

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ARTEC EUROPE S.A.R.L.,

Plaintiff,

v.

SHENZHEN CREALITY 3D
TECHNOLOGY CO., LTD., AND
KICKSTARTER, PBC,

Defendants.

1:22-2676 (WFK)(VMS)

**SUPPLEMENTAL DECLARATION
OF LUOWEI**

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I, Luowei, declare:

1. I am Product Leader of Shenzhen Jimuyida Technology Co. ("Jimuyida"). I have worked at Jimuyida since April 2016. My responsibilities include overall product design, hardware selection and testing, and software core program development.
2. I provide this supplemental declaration in opposition to Artec's Application for a Temporary Restraining Order and Preliminary Injunction and related declarations. I have personal knowledge of the facts in this Declaration, and would testify under oath, if called upon, to these facts.
3. I have reviewed Artec's reply motion and related declarations in this matter and have concluded that many significant assertions and statements set forth by Artec and its declarants are incorrect or misleading.
4. In 2017, Jimuyida purchased several Artec scanners that it intended to use for a 3D furniture modeling business. Ultimately, those Artec scanners were ineffective for use in the applied task. At the time, Artec also sought to prohibit the use of its scanners for Jimuyida's intended application.

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Jimuyida ultimately sued Artec's Chinese supplier in Shenzhen. The Shenzhen court mediated the settlement such that Artec's Chinese supplier was required to compensate Jimuyida in the amount of RMB10,000.

5. Artec claims that it hired an investigator (posing as a potential distributor) who spoke with Jimuyida's Chief Technology Officer, Mr. Yao, on June 27, 2018 in Wuhan. That is misleading. Mr. Yao worked part-time as a consultant at Building Blocks Easy to Build and was not involved in product design or development. In addition, from 2018-2020, Mr. Yao worked at Wuhan University, and after 2020, he was no longer involved in any work for Jimuyida. He is currently on leave status.

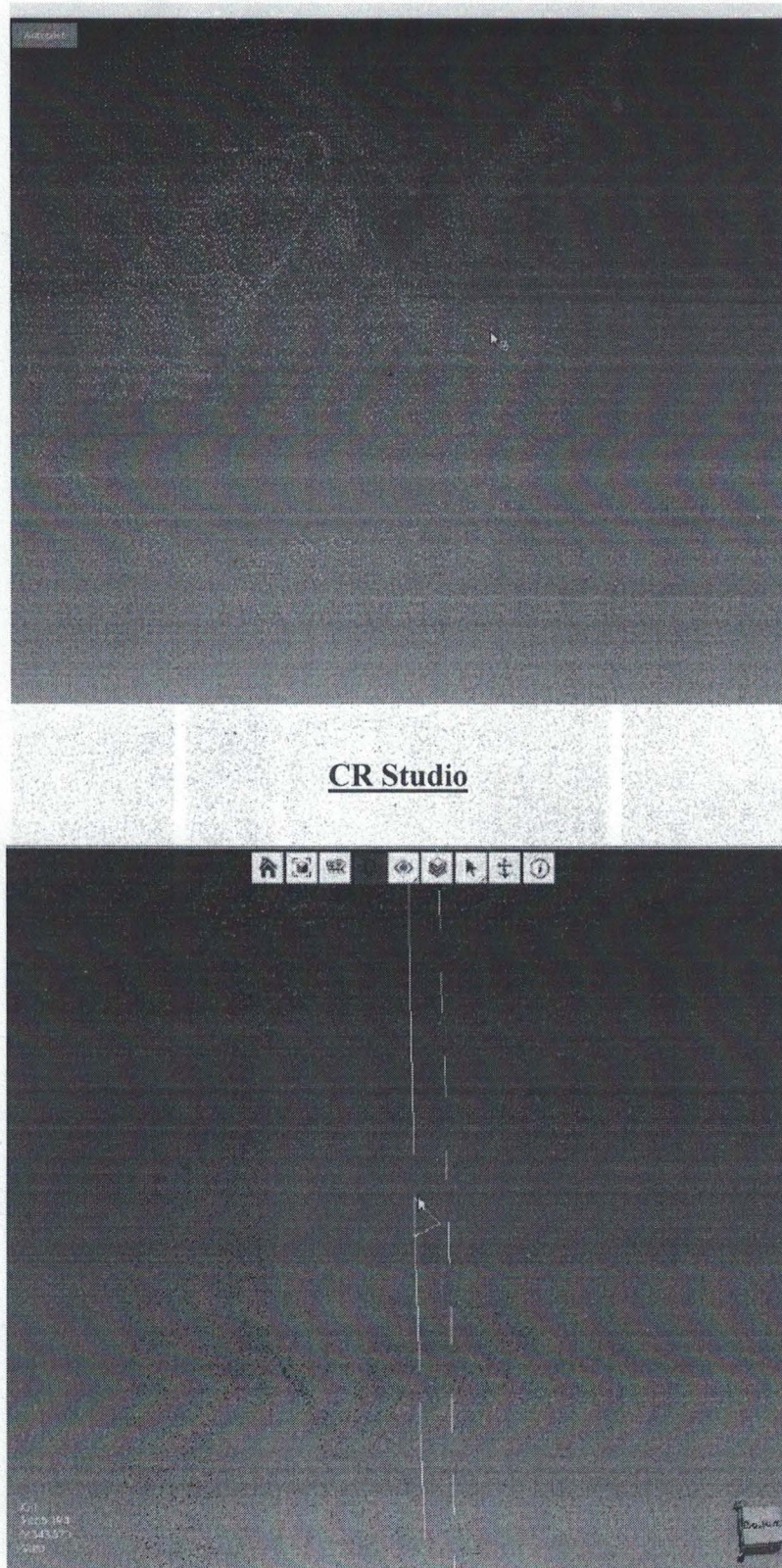
6. At no time has Jimuyida looked at or otherwise copied Artec's source code. Artec's suggestion that ownership of Artec products implies access to source code is wrong. In fact, Artec's products (just like Jimuyida's products) provides the software as executable code (in binary) that is compiled from its source code. The compiled code (executable code) cannot be examined, copied or otherwise utilized in order to design a software product. Access to compiled code would not be considered access to source code. Not only did Jimuyida not copy Artec's source code, it has never had access in any way to Artec's source code.

7. Artec also argues that the presence of certain structured light patterns is evidence of copying. To the contrary, we have examined Artec's claim and determined that the functionality identified is actually the result of open-source software that is commonly used within the industry.

8. For example, we ran a test regarding the suggested bug in both Artec Studio and CR Studio.

Artec Studio

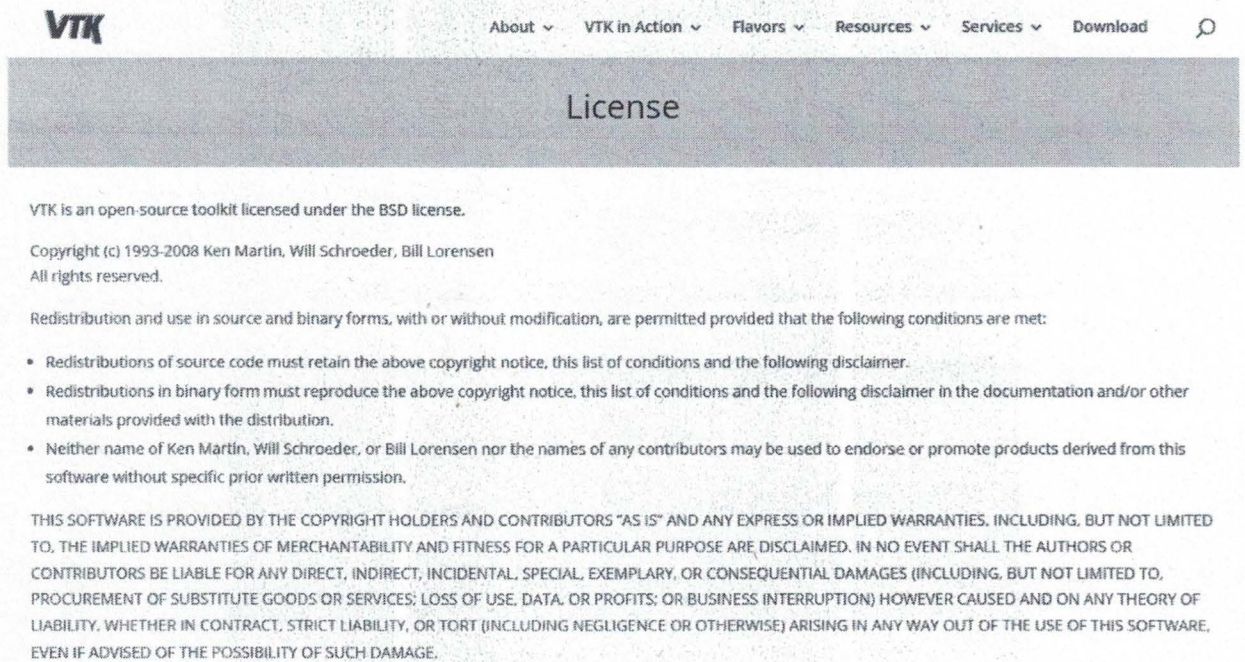
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9. In the CR Studio code, this phenomenon is caused by a bug in the open-source 3D engine project VTK . This is a relatively common open-source software project that is used by many others in

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the industry. The VTK open-source project is provided under the BSD license, use of which is explained at https://en.wikipedia.org/wiki/BSD_licenses.



10. I have determined that the identified anomaly in the CR Studio is caused by a particular portion of the open-source code, marked below:

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```

void vtkInteractorStyleTrackballCamera::Rotate()
{
    if (this->CurrentRenderer == nullptr)
    {
        return;
    }

    vtkRenderWindowInteractor* rwi = this->Interactor;

    int dx = rwi->GetEventPosition()[0] - rwi->GetLastEventPosition()[0];
    int dy = rwi->GetEventPosition()[1] - rwi->GetLastEventPosition()[1];

    const int* size = this->CurrentRenderer->GetRenderWindow()->GetSize();

    double delta_elevation = -20.0 / size[1];
    double delta_azimuth = -20.0 / size[0];

    double rxf = dx * delta_azimuth * this->MotionFactor;
    double ryf = dy * delta_elevation * this->MotionFactor;

    vtkCamera* camera = this->CurrentRenderer->GetActiveCamera();
    camera->Azimuth(rxf);
    camera->Elevation(ryf);
    camera->OrthogonalizeViewUp();

    if (this->AutoAdjustCameraClippingRange)
    {
        this->CurrentRenderer->ResetCameraClippingRange();
    }

    if (rwi->GetLightFollowCamera())
    {
        this->CurrentRenderer->UpdateLightsGeometryToFollowCamera();
    }

    rwi->Render();
}

```

11. As such, the alleged anomaly in CR Studio's software was not a result of copying Artec Studio's software. This suggested similarity is caused by the use of the VTK open-source software project.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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Executed on this 8 day of April 2022, at 7:30am in Shenzhen, China.

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